

*6AU3739*  
**PATENT**  
Attorney Docket No. BSC-008DV

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Daniels et al.

SERIAL NO.: 09/928,146

GROUP NO.: 3739

FILING DATE: August 10, 2001

EXAMINER:

Not Yet Assigned

TITLE: Diagnosing and Performing Interventional Procedures on Tissue in Vivo

**MAILED**

*OCT 24 2001*

**GROUP 3700**

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 15<sup>th</sup> day of October, 2001.

  
\_\_\_\_\_  
Diane Racicot

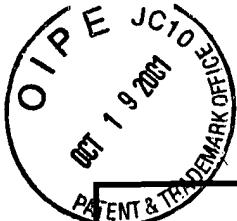
Diane Racicot

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Information Disclosure Statement (2 pages);
3. Form PTO-1449 (2 page);
4. and a return receipt postcard.



# TRANSMITTAL FORM

Application Serial No.: 09/928,146

Filing Date: August 10, 2001

First Named Inventor: Daniels et al.

Group Art Unit: 3739

Examiner Name: Not yet assigned

Attorney Docket No.: BSC-008DV

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <li><input type="checkbox"/> Check Attached</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul>	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"> <li><input type="checkbox"/> Formal Drawing(s)</li> </ul>	<input type="checkbox"/> Appeal Communication to Board of Patent Appeals and Interferences <ul style="list-style-type: none"> <li><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition to Convert to a Provisional Application</li> <li><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)</li> <li><input type="checkbox"/> Terminal Disclaimer</li> <li><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application</li> <li><input type="checkbox"/> Small Entity Statement</li> <li><input type="checkbox"/> Request for Refund</li> <li><input type="checkbox"/> After Allowance Communication to Group</li> </ul>
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> <li><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]</li> </ul>	<input type="checkbox"/> Status Letter <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Return Receipt Postcard</li> <li><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8</li> <li><input type="checkbox"/> Additional Enclosure(s) (please identify below)</li> </ul>	
<input type="checkbox"/> Extension of Time Request		
<input checked="" type="checkbox"/> Information Disclosure Statement PTO-1449		
<input type="checkbox"/> Copy of IDS Citation		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		

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OCT 24 2001

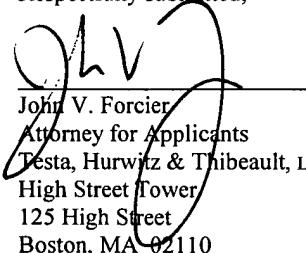
GROUP 3700

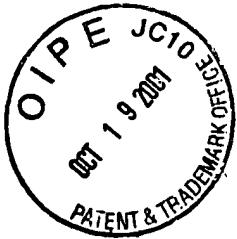
## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
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## SIGNATURE BLOCK

Respectfully submitted,

  
 John V. Forcier  
 Attorney for Applicants  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110



**PATENT**  
Attorney Docket No. BSC-008DV

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**GROUP 3700**

APPLICANT(S): Daniel et al.

SERIAL NO.: 09/928,146

GROUP NO.: 3739

FILING DATE: August 10, 2001

EXAMINER: Not Yet Assigned

TITLE: Diagnosing and Performing Interventional Procedures on Tissue In Vivo

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Pursuant to 37 C.F.R. §1.98 (d), the cited references are not enclosed. The references were previously cited and made of record in parent application serial no. 08/679,425, now U.S. patent no. 6,296,608.

**REMARKS**

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action** on the merits; or
- (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and
  - the requisite Statement is below, **OR**
  - the requisite fee under Rule 1.17(p), namely **\$240.00**, is included herein, or
- (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, **AND**
  - Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, **AND**
  - the requisite Statement is below, **AND**

Information Disclosure Statement

Attorney Docket No. BSC-008DV

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the requisite petition fee due under Rule 1.17(i)(I), namely **\$130.00** is included herein.

It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application.

**STATEMENT**

As required under §1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

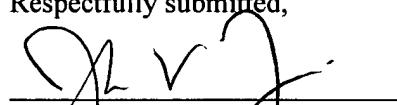
1. [E]ach item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application **not more than** three months prior to the filing date of the Information Disclosure Statement; or

2. [N]o item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any** individual designated in §1.56(c) **more than** three months prior to the filing of the Information Disclosure Statement.

**FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 20-0531. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

  
John V. Forcier  
Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

Date: October 15, 2001  
Reg. No. 42,545.

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